



07 DEC 2004
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In re Application of
Rolf SOMMER :
Application No.: 10/019,334 :
PCT No.: PCT/DE00/01993 :
Int. Filing Date: 20 June 2000 :
Priority Date: 24 June 1999 :
Atty. Docket No.: 65999-0001 :
For: CANDLE & METHOD FOR
PRODUCING A CANDLE :

DECISION
ON
PETITIONS UNDER 37 CFR 1.181
AND 1.137(b)

This decision is in response to Applicant's communication filed by facsimile on 02 December 2004, which is being treated as a petition under 37 CFR. 1.181 requesting acceptance of a copy of the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed with the petition as being submitted on 03 May 2004 in the above-captioned application. The petition is GRANTED as follows:

No petition fee is required.

The evidence submitted by applicant, which includes a copy of the postcard receipt with a USPTO mailroom stamped date of 03 May 2004 itemizing all the papers submitted on filing in the above-captioned application, is sufficient to establish that a petition to revive the present application has been received in the Office on 03 May 2004. The postcard receipt clearly shows that a Petition to Revive, and an authorization to charge the petition fee of \$665.00 for applicant "R. Sommer" bearing docket No. 65999-0001 and having a title "Candle & Method for Producing a Candle" were addressed to the "USPTO". A search in the USPTO Revenue Accounting and Management database also indicates that the petition fee for a small entity in the amount of \$665.00 was entered on 07 May 2004. Accordingly, acceptance of a copy of the Petition to Revive as being filed on 03 May 2004 is appropriate.

With regard to the petition to revive under 37 CFR 1.137(b) filed 03 May 2004, a

review of the application papers filed with the Petition reveals that all of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements under 37 CFR 1.137(b)(3) at the time of filing this petition.

A review of the declaration of the inventor filed 03 May 2004 reveals that it is in compliance with 37 CFR 1.497. Since the declaration of the inventor was submitted after 30 months from the priority date claimed of 24 June 1999, a \$65.00 surcharge (fee code 2617) for filing an oath or declaration after 30 months, has been charged to Counsel's Deposit Account No. 18-0013, as authorized in the Transmittal Letter accompanying this petition.

Applicant's claim for priority is acknowledged. The application has an international filing date of **20 June 2000** under 35 U.S.C. 363 and a date of **03 May 2004** under 35 U.S.C. 371.

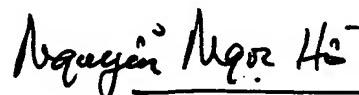
The request to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED**.

The application is returned to the United States Designated/Elected Office for further processing.



Richard Cole
PCT Legal Examiner
PCT Legal Office

NNH/RC:hn


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